REMARKS

This responds to the Office Action mailed on September 29, 2009.

No claims are currently amended, no claims are currently canceled, claims 2, 17, 24, and 28 have previously been canceled, and no claims are currently added; as a result, claims 1, 3-16, 18-23, 25-27, and 29 are now pending and subject to examination in this application.

§ 103 Rejection of the Claims

Claims 1, 3, 4, 6, 9-11, 13-16, 18, 19, 21, 23, 25, 26 and 29 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Zhang et al. (U.S. 7,027,513 B2).

Claims 5, 7, 8, 20, 22 and 27 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Zhang et al. (U.S. 7,027,513 B2) in view of Ma et al. (U.S. 20040088723 A1).

Claim 12 was rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Zhang et al. (U.S. 7,027,513 B2) in view of Sull et al. (U.S. 20060064716 A1).

The Applicant respectfully traverses these rejections at least because the references do not show calculating a rate of change based on at least three frames, but instead only refer to calculating motion vectors between two frames.

Independent claims 1, 16, and 23 recite:

"computing a first representative magnitude of said displacement magnitude for said moved pixels of said current frame compared to said first frame, and a second representative magnitude of said displacement magnitude for said moved pixels of said first frame compared to said second frame,

wherein said first value and said second value respectively equal said first representative magnitude and said second representative magnitude such that said rate is computed as a difference of said first representative magnitude and said second representative magnitude."

In other words, claims 1, 16, and 23 recite calculating a distance that pixels have moved between a current frame and a first frame, and a distance that those pixels have moved between the first frame and a second frame. Claims 1, 16, and 23 then recite calculating a rate of change

of visual content by determining a difference between the two calculated distances. The Office Action contends that this feature is disclosed in the Zhang reference at column 9, lines 25-38. The Applicant respectfully disagrees.

The cited portion of Zhang relates only to a method of extracting motion vectors from each frame of a video sequence. The motion vectors reflect the magnitude and direction of the motion of the macro blocks of the frame. The method then calculates the average value of the motion vectors *within a frame*.[1] The Applicant respectfully submits that a calculation of an average for all the motion vectors in a frame is not a disclosure of determining a distance of a moved pixel from a current frame to a first frame, then determining a distance of the moved pixel from the first frame to a second frame, and then calculating a difference between the two distances to determine a rate of change of visual content.

Since the Zhang reference does not disclose each and every feature of claims 1, 16, and 23, the Applicant respectfully submits that a *prima facie* case of obviousness has not been established, and the Applicant respectfully requests the withdrawal of the rejection of claim 1, 16, and 23. Additionally, since claims 3-15 are dependent on claim 1, claims 18-22 are dependent on claim 16, and claims 25-27 are dependent on claim 23, the Applicant respectfully submits that a *prima face* case of obviousness has not been established for these claims either, and the Applicant respectfully requests the withdrawal of the rejection of claims 2-15, 18-22, and 25-27.

Independent claim 29 recites:

"using the processor to calculate a displacement magnitude difference of a first value and a second value, said first value representing a measure of a displacement magnitude change of visual content of said current frame compared to said first frame, and said second value representing a measure of a displacement magnitude change of visual content of said first frame compared to a second frame."

In a manner similar to the other claims, claim 29 recites calculating a displacement magnitude change of visual content between a current frame and a first frame, and a displacement magnitude change of visual content between the first frame and a second frame. A

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[1] Zhang, column 9, lines 25-38.

difference is calculated between these two displacement magnitude changes, and the current frame is selected as a key frame if, *inter alia,* the difference exceeds a threshold. As pointed out above in connection with claims 1, 3-16, 18-23, and 25-27, the Zhang reference does not disclose this feature. The Applicant therefore respectfully submits that a *prima facie* case of obviousness has not been established for claim 29, and the Applicant respectfully requests the withdrawal of the rejection of claim 29.

AMENDMENT AND RESPONSE UNDER 37 C.F.R § 1.111
Serial Number:10/708,905
Filing Date: March 31, 2004
Title: IDENTIFYING KEY VIDEO FRAMES

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CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone the undersigned at (612) 371-2140 to facilitate prosecution of this application.
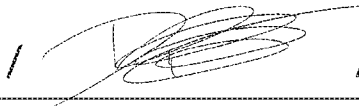
If necessary, please charge any additional fees or deficiencies, or credit any overpayments to Deposit Account No. 19-0743.

Respectfully submitted,

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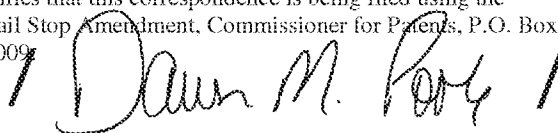Date December 21, 2009   By _____
David D'Zurilla
Reg. No. 36,776

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 21st day of December, 2009

DAWN M. POOLE

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Name

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Signature